

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN DIOR COUTURE SA and LOUIS
VUITTON MALLETIER,

Plaintiffs,

-against-

XIAOLE LIN, TIMI GIFT SHOP, INC., SHUN
MIAO DING, GUO L. HUANG, XIAOWEI GAO,
XINGYUN HU, MING LI, XIUQIAN CHI, FEI Y.
LU, YONGCHAN ZHANG, YU HOU QU, CAI
QIN XIE, XIAOLIU WANG a/k/a LI LI WANG,
and JOHN and JANE DOES 1–100,

Defendants.

Civil Case No. 22-cv-10716

**ORDER AUTHORIZING RETENTION
OF PRODUCTS AND ITEMS SEIZED
ON JANUARY 12, 2023**

WHEREAS, on December 21, 2022, Plaintiff Christian Dior Couture SA (“Christian Dior”) commenced this action under seal and sought the entry of (1) an *ex parte* temporary restraining order pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65(b), (2) an order authorizing an *ex parte* seizure pursuant to 15 U.S.C. § 1116(d); (3) an order granting leave for Christian Dior to take expedited discovery pursuant to Fed. R. Civ. P. 26(d); and (4) an order to show cause why a preliminary injunction should not issue pursuant to 15 U.S.C. § 1116, 15 U.S.C. § 1125(c)(1), N.Y. Gen. Bus. Law § 360-l, and Fed. R. Civ. P. 65(a) (collectively, the “Application”);

WHEREAS, on January 4, 2023, the Court granted Christian Dior’s Application and entered an *Ex Parte* Temporary Restraining Order, Order Authorizing *Ex Parte* Seizure and Expedited Discovery, and Order to Show Cause for a Preliminary Injunction (the “Christian Dior TRO”);

WHEREAS, on January 12, 2023, Christian Dior, accompanied by its attorneys, investigators, and the New York City Police Department, executed the seizure authorized by the Court’s January 4 Order and seized thousands of items;

WHEREAS, upon preparing an inventory of the items seized on January 12, investigators for Christian Dior discovered that, in addition to the products bearing Christian Dior’s trademarks, many of the items included trademarks owned by Louis Vuitton Malletier (“Louis Vuitton”) as well as other brands;

WHEREAS, on January 25, 2023, counsel for Christian Dior filed an inventory report with the Court identifying products and items seized on January 12, 2023 (the “Inventory Report”);

WHEREAS, on January 18, 2023, counsel for Christian Dior attended the Order to Show Cause hearing, and Hon. Andrew L. Carter, Jr., the presiding Part I District Judge, extended several dates in this action;

WHEREAS, on January 31, 2023, Christian Dior, on behalf of itself and Louis Vuitton, filed a memorandum of law with supporting declarations in support of an *ex parte* motion, seeking, *inter alia*, (1) leave pursuant to Fed. R. Civ. P. 15(a)(2) and Fed. R. Civ. P. 21 to file a proposed Second Amended Complaint to name Louis Vuitton as an additional plaintiff and to correct the name of a Defendant, (2) a temporary restraining order against the Defendants with respect to products bearing Louis Vuitton’s trademarks, and (3) preliminary injunctive relief against the Defendants in favor of proposed plaintiff Louis Vuitton (the “Louis Vuitton Application”);

WHEREAS, on February 1, 2023, counsel for Christian Dior and Louis Vuitton appeared at the continued Order to Show Cause hearing, and for the reasons stated on the record, the Court granted a Preliminary Injunction against Defendants in favor of Christian Dior and granted the Louis Vuitton Application;

WHEREAS, at the February 1, 2023 hearing, counsel for Christian Dior and Louis Vuitton sought leave of the Court to hold all of the seized products and items identified in the Inventory Report during the pendency of this action, until further order of the Court, for the purposes of, *inter alia*, preventing consumer confusion in the marketplace;

IT IS HEREBY ORDERED THAT, in accordance with 15 U.S.C. § 1116(d)(7), the Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, and for purposes of preventing consumer confusion in the marketplace, Christian Dior's and Louis Vuitton's attorneys, private investigators, or agents, as substitute custodians for the Court, are authorized to retain all seized products and items identified in the Inventory Report during the pendency of this action, until further order of the Court.

SO ORDERED, this day of February 2, 2023.

/s/ Alvin K. Hellerstein

Hon. Alvin K. Hellerstein, U.S.D.J.